IN THE HIGH COURT OF PUNJAB & HARYANA CHANDIGARH

Criminal Misc.No.55243 M OF 2007
Date of Decision: December 31, 2007

HARWINDER SINGH

.....PETITIONER

VERSUS

STATE OF PANJAB

.....RESPONDENT

. . .

CORAM: HON'BLE MR. JUSTICE RAJESH BINDAL

Present: Mr. Surinder Singh Siao,Advocate,
for the petitioner.

Mr. Shilesh Gupta, D.A.G.,Punjab.

RAJESH BINDAL, J(ORAL)

The prayer in the present petition is for quashing of order dated 22.12.2007 passed by Additional Chief Judicial Magistrate, Fatehgarh Sahib whereby application filed by petitioner for release of passport submitted with the Court in FIR No.29 dated 29.09.2006 under Section 326/34 IPC has been rejected.

Learned counsel for the petitioner states that the occurrence in the present case took place on 22.09.2006 and the complainant at that time stated before the police that he does not wish to take any action against 3 persons which were not known to him, however, in a supplementary statement recorded on 29.09.06 he resiled from previous statement and submitted that the FIR be registered on the basis of earlier statement made on 24.09.06 even in this

supplementary statement name of the petitioner was not mentioned. Name of the petitioner figured only when another supplementary statement of the complainant was recorded on 30.10.06.

During the trial the petitioner was directed to submit his passport in the Court. His prayer for temporary release of passport is made on the ground that on 04.01.07 the petitioner was granted a visa valid for 12 months for multiple entry in Malaysia which will expire on 03.01.2008 and in case the petitioner either does not visit the country or get it renewed, the petitioner may not be able to get a visa for Malaysia.

He further submits that he will get the visa renewed and resubmit the passport in the Court below as early as possible preferably within a period of one month. He also undertakes to furnish security for the purpose. The prayer made by the petitioner seems to be genuine. Accordingly, the passport be released to the petitioner for getting the visa renewed. The petitioner shall not be permitted to leave the country without the permission of the Court, however, this release of passport is only for the purpose of renewal of visa shall be subject to petitioner furnishing bank guarantee of Rs.2,00,000/- with the Trial Court. The bank guarantee so furnished shall be forfeited to the State in case of non submission of passport by the petitioner in the Court below as undertaken by him.

The passport shall be released to the petitioner by the additional Chief Judicial Magistrate or the Duty Magistrate on furnishing of Bank guarantee as mentioned above. Bank guarantee shall be valid for a period of 3 months.

The instant petition is disposed of accordingly.

(RAJESH BINDAL)
JUDGE

December 31, 2007
Ruchika